

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 11, 2004
SAN FRANCISCO, CALIFORNIA**

S020670

PEOPLE v. LEWIS (ROBERT)
Rehearing denied

S113086

D037968 Fourth Appellate District,
Division One

PEOPLE v. MAJORS (GAYLON M.)
Rehearing denied

S114715

B151534 Second Appellate District,
Division Seven

FLETCHER v. DAVIS
Rehearing denied

S125236

B164649 Second Appellate District,
Division Four

PEOPLE v. CHACON
Petition for review granted

The issues to be briefed and argued are specified as follows:

(1) When the trial court denies the prosecution's pretrial motion to exclude evidence relevant to a defense, and consequently the prosecution asserts that it is unable to proceed to trial and obtains dismissal of the action pursuant to Penal Code section 1385, do the People have a right to appeal from the dismissal order?

(2) In what circumstances may a pretrial evidentiary ruling properly justify a discretionary dismissal in the furtherance of justice pursuant to Penal Code section 1385, subdivision (a), and what factors should a trial court consider in exercising its discretion?

(3) In any appeal from a pretrial order of dismissal pursuant to Penal Code section 1385, when, if ever, are the merits of evidentiary rulings preceding the order of dismissal reviewable in that appeal?

(4) Should California law recognize the defense of entrapment by estoppel, and if so, can this defense bar a criminal conviction when the defendant relies upon the advice of a city attorney regarding the legality of her actions under state law?

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S125502

C043329 Third Appellate District

CONNERLY v. STATE PERSONNEL BOARD
(CALIF BUSINESS COUNCIL FOR EQUAL OPPTY.)
Petition for review granted

Votes: George, C.J., Kennard, Werdegar, and
Moreno, JJ.

S125644

A102929 First Appellate District,
Division Four

DAVIS v. OPPENHEIMER & COMPANY
Review granted/briefing deferred (rule 29.1) - civil case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Jevne v. Superior Court*, S121532 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., and Baxter, J., were recused and did not participate.

Votes: Kennard, A.C.J., Werdegar, Chin,
Brown, and Moreno, JJ.

S125534

WHIPPLE (JEFFREY A.) ON H.C.
OSC issued, returnable in Superior Court

The petition for writ of habeas corpus
GRANTED.

The Director of Corrections is ordered to show cause returnable before the San Joaquin County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to relief (e.g., an opportunity to withdraw the plea or a sentence modification) because his plea was induced by an unenforceable promise that his state sentence would be served concurrently with his pending federal matter. (See Change of Plea Transcript, RT 11, lines 8-13.) The return is to be filed on or before September 3, 2004.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Brown, J.

S125697

B175609 Second Appellate District,
Division One

GAGGERO v. S.C. (FIRST FEDERAL BANK)

Review granted; transferred to CA 2/1 to issue alt. writ

Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Divisions One, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S103976

F035605 Fifth Appellate District

GERAWAN FARMING v. CALIFORNIA TABLE
GRAPE COMMISSION

Transferred to CA 5 after hold

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Gerawan Farming Inc. v. Kawamura* (2004) 33 Cal.4th 1. (Cal. Rules of Court, rule 29.3(d).)

Baxter, J., was recused and did not participate.

Votes: George, C.J., Kennard, Werdegarr, Chin, and Moreno, JJ.

S104020

F032298 Fifth Appellate District

WILEMAN BROS. & ELLIOTT INC. v. LYONS

Transferred to CA 5 after hold

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Gerawan Farming Inc. v. Kawamura* (2004) 33 Cal.4th 1 (Cal. Rules of Court, rule 29.3(d).)

Baxter, J., was recused and did not participate.

Votes: George, C.J., Kennard, Werdegarr, Chin, and Moreno, JJ.

S115864

D038170 Fourth Appellate District,
D039277 Division One

SWANN v. DAIMLERCHRYSLER MOTORS

Transferred to CA 4/1 after hold

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *Gavaldon v. DaimlerChrysler* (2004) 32 Cal.4th 1246. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S120631

B159740 Second Appellate District,
Division One

KADISH v. JEWISH COMMUNITY CENTERS

Dismissed per rule 29.3(b), and remanded to CA 2/1

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S115818

SMITH (GREGORY C.) ON H.C.

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus filed on May 13, 2003, is denied on the merits.

S123749

PACIFIC GAS & ELECTRIC v. P.U.C.

Petition for writ of review denied

Chin, J., was recused and did not participate.

S124490

H025922 Sixth Appellate District

PEOPLE v. MOORE

Petition for review denied

S124577

SAN DIEGO GAS & ELECTRIC v. P.U.C.

Petition for writ of review denied

S124887

G030604 Fourth Appellate District,
Division Three

STEINER & HOSSEINI, MARRIAGE OF

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124910

A105566 First Appellate District,
Division Two

EVANS (KELVIN J.) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S125044

A106026 First Appellate District,
Division Three

JOHNSON (JOSEPH J.) ON H.C.
Petition for review denied

Petition for writ of habeas corpus denied. (*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S125066

A103142 First Appellate District,
Division One

REGENTS OF THE UNIVERSITY OF CALIFORNIA
v. WILLIBY
Petition for review denied

S125081

D043096 Fourth Appellate District,
Division One

CHATSKY & ASSOCIATES v. S.C. (B OF A CORP.)
Petition for review denied

Chin, J., was recused and did not participate.

S125085

B173244 Second Appellate District,
Division Eight

PARRECO v. WCAB (LOS ANGELES M.T.A.)
Petition for review denied

S125094

A102148 First Appellate District,
Division Two

ZACK v. MARIN EMERGENCY RADIO (TIBURON)
Petition for review denied

Request for judicial notice granted.

S125097

A106351 First Appellate District,
Division Four

SILLER (JAVERT) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S125133

A095890 First Appellate District,
Division Three

PEOPLE v. BOWERS
Petition for review denied

Kennard, J., and Baxter, J., are of the opinion the petition should be granted.

S125165

E033882 Fourth Appellate District,
Division Two

HERNANDEZ v. COUNTY OF SAN BERNARDINO
Petition for review denied

S125194

H025028 Sixth Appellate District

CORNISH & CAREY COMMERCIAL v. GUZIK
Petition for review & publication request denied

S125215

B174430 Second Appellate District,
Division Eight

FARMERS GROUP v. S.C. (FOUNTAIN PARK
COOPERATIVE, INC.)
Petition for review denied

Requests for judicial notice granted.

S125228

B150919 Second Appellate District,
Division Three

PEOPLE v. CERVANTES
Petitions for review denied

S125237

B174937 Second Appellate District,
Division Eight

PLUTH (MICHAEL) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S125274

B162176 Second Appellate District,
Division Seven

PAGE v. LOS ANGELES TIMES
Petition for review denied

Request for judicial notice denied.

S125316

B169068 Second Appellate District,
Division One

PEOPLE v. RIN
Petition for review denied

S125367

G031165 Fourth Appellate District,
Division Three

GARABEDIAN v. LOS ANGELES CELLULAR
TELEPHONE CO.
Petition for review denied

S125379

H027274 Sixth Appellate District

DIAZ v. WCAB; EL PASEO LIMOUSINE SERVICES
Petition for review denied

S125420

B162750 Second Appellate District,
Division One

PEOPLE v. GARCIA
Petition for review denied

S125433

D041904 Fourth Appellate District,
Division One

ANASTOS v. LEE

Petition for review denied

S125436

D043024 Fourth Appellate District,
D043187 Division One

CITIZENS FOR IMPROVED SORRENTO ACCESS
v. CITY OF SAN DIEGO

Petition for review & publication request denied

S125445

B168413 First Appellate District,
Division Three

TRAN (JASON LEE) ON H.C.

Petition for review denied

S125451

D041946 Fourth Appellate District,
Division One

PEOPLE v. DOMINGUEZ

Petition for review & publication request denied

S125452

A099569 First Appellate District,
Division Three

PEOPLE v. WELLS

Petition for review denied

S125467

H024362 Sixth Appellate District

PEOPLE v. PRECIADO

Petitions for review denied

S125472

B165453 Second Appellate District,
Division Three

PEOPLE v. KIM

Petition for review denied

S125473

A102522 First Appellate District,
Division Five

PEOPLE v. APODACA

Petition for review denied

S125484

G031082 Fourth Appellate District,
Division Three

MESA VISTA SOUTH TOWNHOME ASSOC v.
CALIFORNIA PORTLAND CEMENT CO.

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed May 4, 2004, which appears at 118 Cal. App. 4th 308

and as modified at 118 Cal.App.4th 1352a.
(Cal. Const., art. VI, section 14; rule 976, Cal.
Rules of Court.)

Werdegar, J., is of the opinion the petition
should be granted.

S125509

B166412 Second Appellate District,
Division Five

PEOPLE v. ZARAGOZA

Petition for review denied

S125511

B164277 Second Appellate District,
Division Four

PEOPLE v. CABALLERO

Petitions for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125519

D042575 Fourth Appellate District,
Division One

VASQUEZ v. RESIDENTIAL INVESTMENTS INC.

Petition for review & depublication request denied

S125536

B166146 Second Appellate District,
Division Seven

PEOPLE v. MENDOZA

Petition for review denied

S125538

A102242 First Appellate District,
Division Five

PEOPLE v. JOHNSON

Petition for review denied

S125557

A099709 First Appellate District,
Division One

PEOPLE v. QUILOPRAS

Petition for review denied

S125566

G032029 Fourth Appellate District,
Division Three

PEOPLE v. McDONALD

Petition for review denied

S125580

F045091 Fifth Appellate District

SCHUSTER v. S.C (PEOPLE)

Petition for review denied

S125585

B174560 Second Appellate District,
Division Eight

BIG BEAR MOUNTAIN RESORTS v. WCAB
(DEAN)

Petition for review denied

S125592

B172878 Second Appellate District,
Division Four

ESCARENO (JORGE) ON H.C.
(DEAN)

Kennard, J., is of the opinion the petition should
be granted.

S125600

G031745 Fourth Appellate District,
Division Three

PEOPLE v. PACHECO

Petition for review denied

S125601

H026340 Sixth Appellate District

S. (JOSEPH), IN RE

Petition for review denied

S125619

C041119 Third Appellate District

PEOPLE v. BROWN

Petition for review denied

Petition for review denied without prejudice
to any relief to which defendant might be
entitled after this court determines in *People v.*
Black, S126182, and *People v. Towne*, S125677,
the effect of *Blakely v. Washington* (2004)
___ U.S. ___ S.Ct. 2531, on California law.

S125628

B163185 Second Appellate District,
Division Four

S. (JOSIAH), IN RE

Petition for review and application for stay denied

S125638

F042109 Fifth Appellate District

PEOPLE v. BROWN

Petition for review denied

Baxter, J., was recused and did not participate.

S125657

H025576 Sixth Appellate District

PEOPLE v. MOLOTLA

Petition for review denied

S125662

B168486 Second Appellate District,
Division Three

PEOPLE v. VALADEZ

Petitions for review denied

S125671

B166309 Second Appellate District,
Division Two

PEOPLE v. RUBALCAVA

Petition for review denied

S125680

D041312 Fourth Appellate District,
Division One

PEOPLE v. HALL

Petition for review denied

S125742

A106448 First Appellate District,
Division Three

UNION BANK v. S.C. (GRAFTON PARTNERS)

Petition for review denied

S125763

D041821 Fourth Appellate District,
Division One

PEOPLE v. GUNN

Petition for review denied

S125773

B166845 Second Appellate District,
Division Two

PEOPLE v. ROBINSON

Petition for review denied

S125776

B169184 Second Appellate District,
Division Six

PEOPLE v. ZICHKO

Petition for review denied

S125783

G030967 Fourth Appellate District,
Division Three

STEFFIEN v. ROCK ISLAND BANK

Petition for review denied

S125784

F041833 Fifth Appellate District

PEOPLE v. COLE

Petition for review denied

S125795

C042701 Third Appellate District

PEOPLE v. VARNUM

Petition for review denied

S125803

C043283 Third Appellate District

PEOPLE v. DELATORRE

Petition for review denied

S125810

C040977 Third Appellate District

PEOPLE v. VAUGHN

Petition for review denied

S125818D041398 Fourth Appellate District,
Division One

PEOPLE v. JOHNSON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S125820

H024751 Sixth Appellate District

PEOPLE v. TURNER

Petitions for review denied

S125849B175761 Second Appellate District,
Division Seven

DAO v. S.C. (CHAREUNSOUK)

Petition for review denied

S125858G031991 Fourth Appellate District,
Division Three

PEOPLE v. TUFTE

Petition for review denied

S125862G031841 Fourth Appellate District,
Division Three

PEOPLE v. RUSSELL

Petition for review denied

S125866

C045410 Third Appellate District

S. (E), IN RE

Petition for review denied

S125886D044298 Fourth Appellate District,
Division One

WINTER (MARION L.), CONSERVATORSHIP OF

Petition for review denied

S125888

C041799 Third Appellate District

PEOPLE v. KALCHIK

Petition for review denied

S125890

B165469 Second Appellate District,
Division Four

PEOPLE v. LINDHOLM
Petition for review denied

S125891

B168961 Second Appellate District,
Division Six

PEOPLE v. QUINONEZ
Petition for review denied

S125892

B171563 Second Appellate District,
Division Four

PEOPLE v. STREET
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S125893

B168524 Second Appellate District,
Division Five

PEOPLE v. RODRIGUEZ
Petition for review denied

S125895

B167204 Second Appellate District,
Division Five

PEOPLE v. BROUGHTON
Petition for review denied

S125900

F043270 Fifth Appellate District

CITY OF COALINGA v. HARGROVE
Petition for review denied

S125901

A106445 First Appellate District,
Division One

BRACEY v. S.C. (PEOPLE)
Petition for review denied

S125903

G030503 Fourth Appellate District,
Division Three

PEOPLE v. GOMEZ et al.
Petition for review denied

S125904

B171734 Second Appellate District,
Division Six

NICHOLAS v. SANTA YNEZ VALLEY UNION HI
Petition for review denied

S125915

B168854 Second Appellate District,
Division Six

PEOPLE v. MONEY (MICHAEL R.)

Petition for review denied

S125919

B170377 Second Appellate District,
Division Eight

J. (MIRACLE), IN RE

Petition for review denied

S125922

A100641 First Appellate District,
A101205 Division Four
A102001

WONG v. THRIFTY CORPORATION

Petition for review denied

S125928

B162806 Second Appellate District,
Division Eight

PEOPLE v. SMITH (JEFFREY M.)

Petition for review denied

S125929

G031838 Fourth Appellate District,
Division Three

PEOPLE v. GROOVER

Petition for review denied

S125930

B165142 Fourth Appellate District,
Division One

PEOPLE v. EDMOND

Petition for review denied

S125938

E034268 Fourth Appellate District,
Division Two

PEOPLE v. MAINE

Petition for review denied

S125939

D041077 Fourth Appellate District,
Division One

WHISPERING RIDGE HOMEOWNERS ASSN. v.
CHAUDRY

Petition for review & publication request denied

S125940

H025908 Sixth Appellate District

PEOPLE v. VEJAR

Petition for review denied

S125948

H025002 Sixth Appellate District

PEOPLE v. PHAN

Petition for review denied

S125949

A101978 First Appellate District,
Division Two

PEOPLE v. WHITE

Petition for review denied

S125953

B176029 Second Appellate District,
Division Six

WILLIAMS v. S.C. (SULLIVAN)

Petition for review denied

S125955

B173155 Second Appellate District,
Division Five

PEOPLE v. KHALEGHI

Petition for review denied

S125956

G031194 Fourth Appellate District,
Division Three

TRAVELERS CASUALTY & SURETY v. CENTURY
SURETY COMPANY

Petition for review denied

S125960

G031249 Fourth Appellate District,
Division Three

CONTINENTAL INSURANCE CO. v. CENTURY
SURETY COMPANY

Petition for review denied

S125962

G032289 Fourth Appellate District,
Division Three

PEOPLE v. GUZMAN

Petition for review denied

S125963

G031595 Fourth Appellate District,
Division Three

GOLDEN EAGLE INSURANCE CO. v. CENTURY
SURETY CO.

Petition for review denied

S125966

H025398 Sixth Appellate District

PEOPLE v. PAUL

Petition for review denied

S125968

B157114 Second Appellate District,
Division Seven

NEWELL v. STATE FARM GENERAL INS CO.

Petition for review denied

S125969

F045683 Fifth Appellate District

SMITH v. S.C. (PEOPLE)

Petition for review denied

S125972

B170180 Second Appellate District,
Division Two

PEOPLE v. VARGAS

Petition for review denied

S125978

G031008 Fourth Appellate District,
Division Three

PEOPLE v. GATICA

Petition for review denied

S125980

E034838 Fourth Appellate District,
Division Two

H. (ISRAEL), IN RE

Petition for review denied

S125983

C043596 Third Appellate District

PEOPLE v. KOVERMAN

Petition for review denied

S125985

G032291 Fourth Appellate District,
Division Three

MEHREN & DARGAN, MARRIAGE OF

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125994

A100356 First Appellate District,
Division Four

PEOPLE v. MASSOUD

Petition for review denied

S126000

B167293 Second Appellate District,
Division Six

PEOPLE v. COLT

Petition for review denied

S126001

B171104 Second Appellate District,
Division Seven

PEOPLE v. SCOTT

Petition for review denied

S126002

B165330 Second Appellate District,
Division Three

PEOPLE v. LOPEZ

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,

S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __, 124 S.Ct. 2531, on California law.

S126003

B162007 Second Appellate District,
Division Seven

PEOPLE v. ACOSTA

Petition for review denied

S126006

B163287 Second Appellate District,
Division Three

PEOPLE v. VILLANUEVA

Petition for review denied

S126007

B167205 Second Appellate District,
Division Six

PEOPLE v. WHITE

Petition for review denied

S126011

C041330 Third Appellate District

PEOPLE v. GEE

Petition for review denied

S126013

D041735 Fourth Appellate District,
Division One

LOPEZ v. BOARS CROSS'N INC.

Petition for review denied

S126014

A104311 First Appellate District,
Division Five

R. (MARQUESE), IN RE

Petition for review denied

S126021

A100614 First Appellate District,
Division Two

PEOPLE v. HOLLOWAY

Petition for review denied

S126023

B168497 Second Appellate District,
Division Two

PEOPLE v. MENDOZA

Petition for review denied

S126026

F043368 Fifth Appellate District

ROBINSON v. STATE OF CALIFORNIA

Petition for review denied

S126027

E034237 Fourth Appellate District,
Division Two

PEOPLE v. STEVENSON

Petition for review denied

S126030

G031688 Fourth Appellate District,
Division Three

PEOPLE v. CASTILLO

Petition for review denied

S126031

E033360 Fourth Appellate District,
Division Two

PEOPLE v. JACKSON

Petition for review denied

S126034

A101086 First Appellate District,
Division Two

PEOPLE v. ALLEN

Petition for review denied

S126040

B164066 Second Appellate District,
Division One

PRINCE v. CLS TRANSPORTATION INC.

Petition for review denied

Brown, J., is of the opinion the petition should
be granted.

S126043

D042173 Fourth Appellate District,
Division One

PEOPLE v. WANSLEY

Petition for review denied

S126045

G031104 Fourth Appellate District,
Division Three

PEOPLE v. NADDOUR

Petition for review denied

S126049

D042978 Fourth Appellate District,
Division One

PEOPLE v. IBANEZ

Petition for review denied

S126050

C039690 Third Appellate District

PEOPLE v. IVERSON

Petition for review denied

S126051

E033506 Fourth Appellate District,
Division Two

PEOPLE v. FRAHER

Petition for review denied

S126052

B155445 Second Appellate District,
Division Four

PEOPLE v. NEWMAN

Petition for review denied

S126054

A103771 First Appellate District,
Division Three

G. (ANTHONY), IN RE

Petition for review denied

S126059

B167924 Second Appellate District,
Division Four

PEOPLE v. RIVERA

Petition for review denied

S126081

A104432 First Appellate District,
Division Five

A. (ORLANDO), IN RE

Petition for review denied

S126084

B165210 Second Appellate District,
Division Six

PEOPLE v. RODRIGUEZ

Petition for review denied

S126086

B163951 Second Appellate District,
Division Three

PEOPLE v. BRANDON

Petition for review denied

S126095

G030921 Fourth Appellate District,
Division Three

PEOPLE v. ABEYTA

Petition for review denied

S126097

G034054 Fourth Appellate District,
Division Three

HOME DEPOT USA v. S.C. (ARTIAGA)

Petition for review denied

Chin, J., was recused and did not participate.

S126098

B168254 Second Appellate District,
Division Two

PEOPLE v. GREEN

Petition for review denied

S126099

B165273 Second Appellate District,
Division Four

PEOPLE v. REYNOLDS

Petition for review denied

S126100

B169046 Second Appellate District,
Division Six

PEOPLE v. SMITH

Petition for review denied

S126102

B176021 Second Appellate District,
Division Seven

ACUNA v. S.C. (PEOPLE)

Petition for review denied

S126105

G031351 Fourth Appellate District,
Division Three

PEOPLE v. SWANGLER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___, 124 S.Ct. on California law.

S126109

B163414 Second Appellate District,
Division Two

ORTIZ v. DARWISH

Petition for review denied

S126111

D043323 Fourth Appellate District,
Division One

KNOWLES v. S.C. (LABO)

Petition for review denied

S126112

A103382 First Appellate District,
Division Four

PEOPLE v. SALDANA

Petition for review denied

S126113

C042119 Third Appellate District

PEOPLE v. CARRANZA

Petition for review denied

S126114

G031892 Fourth Appellate District,
Division Three

JAMES v. STOCKER

Petition for review denied

S126120

B158986 Second Appellate District,
Division Five

MOZER v. KREITENBERG

Petition for review denied

S126131

D041610 Fourth Appellate District,
Division One

PEOPLE v. MOGAN

Petition for review denied

S126133

B166545 Second Appellate District,
Division Six

PEOPLE v. STEINKE

Petition for review denied

S126143

B168612 Second Appellate District,
B170093 Division Seven

O. (WILLIAM), IN RE

Petition for review denied

S126146

B167312 Second Appellate District,
B167783 Division Six

LOPEZ v. ORTIZ

Petition for review denied

S126149

B168135 Second Appellate District,
Division Six

PEOPLE v. URREA

Petition for review denied

S126162

B171015 Second Appellate District,
Division Five

PEOPLE v. ESTRADA

Petition for review denied

S126166

F044105 Fifth Appellate District

PEOPLE v. HOLGUIN

Petition for review denied

S126168

B175582 Second Appellate District,
Division Five

GADLIN v. S.C. (PEOPLE)

Petition for review denied

S126169

B162295 Second Appellate District,
Division One

MCCARTHY v. ASTENJOHNSON, INC.

Petition for review denied

S126173

A101273 First Appellate District,
Division Five

PEOPLE v. MITCHELL

Petition for review denied

S126175

B167199 Second Appellate District,
Division Three

PEOPLE v. MELENDEZ

Petition for review denied

S126185

B174992 Second Appellate District,
Division Seven

TENET/USC UNIVERSITY HOSPITAL v. WCAB;
HERNANDEZ & HURTADO

Petition for review denied

S126187

B166387 Second Appellate District,
Division Seven

PEOPLE v. CAUSEY

Petition for review denied

S126189

A101886 First Appellate District,
Division Two

PEOPLE v. FAUSTO

Petition for review denied

S126190

F042367 Fifth Appellate District

PEOPLE v. DEARMON

Petition for review denied

S126191

H026180 Sixth Appellate District

PEOPLE v. ROMERO

Petition for review denied

S126194

D043946 Fourth Appellate District,
Division One

PEOPLE v. BRAVO

Petition for review and application for stay denied

S126197

B165682 Second Appellate District,
Division Three

PEOPLE v. GARAFOLLO

Petition for review denied

S126216

B169743 Second Appellate District,
Division Eight

PEOPLE v. DICKERSON

Petition for review denied

S126248

G030702 Fourth Appellate District,
Division Three

PEOPLE v. MACKAY

Petition for review denied

S126253

A102302 First Appellate District,
Division Five

PEOPLE v. INGRAM

Petition for review denied

S126289

C046848 Third Appellate District

GRANITE STATE INSURANCE CO v. WCAB

Petition for review denied

S126316

D044586 Fourth Appellate District,
Division One

AUSTIN v. S.C. (SAN DIEGO DEPT OF HOUSING)

Petition for review denied

S126359

C047182 Third Appellate District

WALLIS v. PHL ASSOCIATES INC.+ (WICHMANN)

Petition for review and application for stay denied

S126453

S. (JOSIAH), IN RE

Petition for writ of error corum vobis denied

S126699

A106939 First Appellate District,
Division Two

EYEXAM OF CALIFORNIA v. S.C. (LEE)

Petition for review and application for stay denied

S116044

WAIWAIOLE (AMMON L.) ON H.C.

Petition for writ of habeas corpus denied

Kennard, J., and Chin, J., are of the opinion the
petition should be granted.

Brown, J., was recused and did not participate.

S117551

MACIEL (JAMES D.) ON H.C.

Petition for writ of habeas corpus denied

S117995

MACIEL (JAMES D.) ON H.C.

Petition for writ of habeas corpus denied

S118248

TROWBRIDGE (FREDERICK) ON H.C.

Petition for writ of habeas corpus denied

S118729

STEWART (DEARCEY) ON H.C.

Petition for writ of habeas corpus denied

S119504

ARGUMANIZ (ABEL) ON H.C.
Petition for writ of habeas corpus denied

S119645

WOODZ (SHAUN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119672

MEARIS (DANNY A.) ON H.C.
Petition for writ of habeas corpus denied

S119721

NORTHROP (THOMAS) ON H.C.
Petition for writ of habeas corpus denied

S119743

VILLALBA (LOUIE) ON H.C.
Petition for writ of habeas corpus denied

S119755

CASTRO (HECTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S119762

UCMAY (PRIMITIVO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S119790

GUTIERREZ (HUGO E.) ON H.C.
Petition for writ of habeas corpus denied

S119803

REYES (GABRIEL) ON H.C.
Petition for writ of habeas corpus denied

S119807

COLEY (PHILLIP) ON H.C.
Petition for writ of habeas corpus denied

S119809

BOUNDS (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Waltreus*
(1965) 62 Cal.2d 218; *In re Miller* (1941) 17
Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

S119810

YOUNG (DANNY G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119826

ROGERS (WILBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Dixon (1953) 41 Cal.2d 756.)

S119830

CARDENAS (OSVALDO) ON H.C.
Petition for writ of habeas corpus denied

S119835

PIERSON (AHMAD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304; *People*
v. Duvall (1995) 9 Cal.4th 464, 474; *In re*
Wessley W. (1981) 125 Cal.App.3d 240, 246.)

S119838

SMITH (LONNIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re*
Dixon (1953) 41 Cal.2d 756; *In re Waltreus*
(1965) 62 Cal.2d 218; *In re Swain* (1949) 34
Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S119849

WEBB (RONDELL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S119855

SPENCER (THURMAN L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)

S119857

PALMER (GARY JAMES) ON H.C.
Petition for writ of habeas corpus denied

S119867

BROWN (DONALD E.) ON H.C.
Petition for writ of habeas corpus denied

S119872

WIELAND (PETER M.) ON H.C.
Petition for writ of habeas corpus denied

S119910

PEREZ (ISMAEL) ON H.C.
Petition for writ of habeas corpus denied

S119913

WINN (RONNIE) ON H.C.
Petition for writ of habeas corpus denied

S119915

ASHLEY (LARRY) ON H.C.
Petition for writ of habeas corpus denied

S119940

GILMORE (REGINALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119949

MATTOX (JOHN D.) ON H.C.
Petition for writ of habeas corpus denied

S120015

CABADA (JACK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S120017

MCKENZIE (DESMOND) ON H.C.
Petition for writ of habeas corpus denied

S120021

WHEAT (DARNELL) ON H.C.
Petition for writ of habeas corpus denied

S120022

MILLER (REGINALD D.) ON H.C.
Petition for writ of habeas corpus denied

S120027

McGRUDER (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S120066

MUHAMMAD (SHAKA S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S120105

RAMEY (JOHNNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S120110

SANCHEZ (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S120146

SESSION (KEVIN R.) ON H.C.
Petition for writ of habeas corpus denied

S120147

GONZALES (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

S120237

HOWARD (JAMIL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S120248

MORALES (RUDY M.) ON H.C.
Petition for writ of habeas corpus denied

S120498

CORNEALUS (JOHN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

S121221

MUHAMMAD (SHAKA) ON H.C.
Petition for writ of habeas corpus denied

on the merits and as late and successive. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S121454

VALDEZ (EMIGDIO) ON H.C.
Petition for writ of habeas corpus denied

S122533

SESSION (KEVIN R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S122790

JAIMES (JAIME C.) ON H.C.
Petition for writ of habeas corpus denied

S122798

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

S123009

SESSION (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S123902

SESSION (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

S123943

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124085

MUNOZ (DAVID S.) ON H.C.
Petition for writ of habeas corpus denied

S124418

KING (RALPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

S124652

BLAMEY (RONALD D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S126110

CONSTABLE (RUSSELL C.) ON H.C.
Petition for writ of habeas corpus denied

S126290

JONES (FREDERICK) ON H.C.
Petition for writ of habeas corpus denied

S126469

CORIA-SILVA (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(*In re Azurin* (2001) 87 Cal.App.4th 20; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S126506

JOHNSON (MARC) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126553

LEHMAN (JASON C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126636

CEJAS (ANDREW A.) ON H.C.
Petition for writ of habeas corpus denied

S126687

GILBERT (SHANE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126688

BRISON (EMMETT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126689

HENDERSON (LEO A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126751

CAZELLY (CARLOS R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125544

E035193 Fourth Appellate District,
Division Two

M. (ARLENA) v. S.C. (SAN BERNARDINO COUNTY
DEPARTMENT OF CHILDREN'S SERVICES)
Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Officials Reports. See rule 978(c)(2), California Rules of Court.

S125187

D042249 Fourth Appellate District,
Division One

RALPHS GROCERY v. MASSIE
Depublication ordered

The requests for an order directing depublication of the opinion in the above-entitled appeal are granted.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed March 11, 2004, which appears at 116 Cal.App.4th 1031. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S112816

G027714 Fourth Appellate District,
G027834 Division Three

VENDANTA SOCIETY v. CALIFORNIA QUARTET
Publication requests denied

The requests for an order directing republication of the opinion in the above-entitled appeal are denied.

S124537

D041925 Fourth Appellate District,
Division One

SHUER v. COUNTY OF SAN DIEGO
Depublication request denied (case closed)

S125011

B169714 Second Appellate District,
Division Two

LEONG v. TRITECH ENGINEERING
Publication request denied (case closed)

S125119

G032567 Fourth Appellate District,
Division Three

WINTER v. CAPITAL ONE BANK
Publication request denied (case closed)

S125488

B164161 Second Appellate District,
Division Two

DELUNA v. LA SALSA HOLDING COMPANY
Publication request denied (case closed)

S125914

D042955 Fourth Appellate District,
Division One

M. (S.), IN RE
Depublication request denied (case closed)

S125590

H025069 Sixth Appellate District

SIEBEL v. BUEL et al.
Time extended to grant or deny review

to September 20, 2004

S125663

A106702 First Appellate District,
Division One

BIGGS (JEFFREY J.) ON H.C.
Time extended to grant or deny review

to September 17, 2004

S125666

A101034 First Appellate District,
Division One

PEOPLE v. CALHOUN
Time extended to grant or deny review

to September 17, 2004.

S125693

B175672 Second Appellate District,
Division Seven

JOHNSON (KENNETH W.) ON H.C.
Time extended to grant or deny review

to September 17, 2004

S125722

A099536 First Appellate District,
A099647 Division Three

VINE v. BEAR VALLEY SKI COMPANY
Time extended to grant or deny review

to September 20, 2004

S125725

B175541 Second Appellate District,
Division One

VERDUSCO (EDDIE) ON H.C.

Time extended to grant or deny review

to September 17, 2004

S125815

B169025 Second Appellate District,
Division Two

OMAR v. RALPHS GROCERY CO.

Time extended to grant or deny review

to September 22, 2004

S125816

F042811 Fifth Appellate District

SIEGEL v. ANDERSON HOMES INC.

Time extended to grant or deny review

to September 20, 2004.

S125823

E035958 Fourth Appellate District,
Division Two

LOPEZ (LEONEL CANTU) ON H.C.

Time extended to grant or deny review

to September 21, 2004

S116432

HILL (WAYNE C.) ON H.C.

Extension of time granted

to August 24, 2004 for petitioner to file reply to
the Attorney General's Informal Response.
No further extensions of time are contemplated.

S125822

F044121 Fifth Appellate District

Z. (JOSIAH), IN RE

Counsel appointment order filed

Upon request of appellants for appointment of
counsel, Marin Williamson is hereby appointed
to represent appellants on appeal now pending in
this court.

Appellants' brief on the merits must be served
and filed on or before thirty (30) days from the
date of this order.

S054489

PEOPLE v. DOOLIN (KEITH Z.)
Motion for access to sealed record granted

Respondent's "Request for Sealed *Faretta* Records," filed on July 9, 2004, is granted.

The Clerk of this court is directed to provide respondent with copies of (1) the reporter's transcript of the in camera *Marsden* hearing on June 18, 1996, before Judge James L. Quaschnick, Vol. XXVII, pp. 4908-4951; and (2) the reporter's transcript of the in camera *Faretta* hearing on June 18, 1996, before Judge James L. Quaschnick, Vol. XXVII, pp. 4954-4959.

On the court's own motion, the Clerk is further directed to unseal (1) the reporter's transcript of the in camera *Marsden* hearing on June 18, 1996, before Judge James L. Quaschnick, Vol. XXVII, pp. 4908-4951; and (2) the reporter's transcript of the in camera *Faretta* hearing on June 18, 1996, before Judge James L. Quaschnick, Vol. XXVII, pp. 4954-4959.

S102652

TAYLOR (ROBERT C.) ON H.C.
Order filed

The Attorney General's "Motion for Protective Order Regarding Witness Information and Privacy," filed June 22, 2004, is granted in part and denied in part.

The motion is granted to this extent: The parties are directed to create between themselves an arrangement whereby the persons whose protection is sought will be contacted exclusively at their place of employment, if any, or through the Office of the Attorney General.

Nothing in the foregoing paragraph obligates the persons whose protection is sought to respond to an interview request from counsel for petitioner, but if they choose not to do so, petitioner's counsel must be promptly informed.

In all other respects, the motion is denied. Denial is without prejudice to renew the motion if circumstances later warrant doing so.

S124195

C042944 Third Appellate District
C042947
C042948

CALIF. STATEWIDE COMMUNITIES DEV. v. ALL
PERSONS INTERESTED, ETC.
Motion denied

The motion of the American Civil Liberties Union (ACLU) Foundation of Northern California, Inc., the ACLU Foundation of Southern California, and the ACLU Foundation of San Diego and Imperial Counties to be appointed as counsel for respondent is denied without prejudice to any or all of those entities seeking leave to intervene in this case or filing an amicus curiae brief. The clerk is directed to correct this court's records to reflect that attorneys Lopez and Ramsey are not counsel of record for any party in this case.

S124739

A101477 First Appellate District,
Division Two

KEARNEY et al. v. SALOMON SMITH BARNEY
Order filed

Plaintiff Kelly Kearney, one of the named plaintiffs in this class action, has filed a request to be dismissed from this action with prejudice in light of a settlement agreement she has entered into with defendant Salomon Smith Barney, Inc. The request notes that the dismissal of Kearny will not affect the viability of the action, because plaintiff Marc Levy remains a party to this action and a putative class representative.

Kelley Kearney's request to be dismissed with prejudice as a party to this action is GRANTED.

S122318

HANNA, ACCUSATION OF
Petition denied

S123000

BROWNLOW, ACCUSATION OF
Petition denied

S123290

GARRISON, ACCUSATION OF
Petition denied

S123327	FORNISS, ACCUSATION OF Petition denied
S123459	HERTER, ACCUSATION OF Petition denied
S123464	FELMAR, ACCUSATION OF Petition denied
S124025	MERCANDETTI, ACCUSATION OF Petition denied
S124500	MARR, ACCUSATION OF Petition denied
S124715	CONCI-RINALDI, ACCUSATION OF Petition denied
S124716	CONCI-RINALDI, ACCUSATION OF Petition denied
S124826	HAMILTON, ACCUSATION OF Petition denied
S125006	CHATMAN, ACCUSATION OF Petition denied
S125008	HENSLEY, ACCUSATION OF Petition denied
S125015	MATHURIN, ACCUSATION OF Petition denied
S125139	ROBERTS, ACCUSATION OF Petition denied

S125461

CHEN, ACCUSATION OF
Petition denied

S123614

BURGER ON DISCIPLINE
Pet/writ of review denied; recommended discipline
imposed

Petition for writ of review DENIED.

It is hereby ordered that Thomas Charles Burger, State Bar No. 131757, be summarily disbarred from the practice of the law and that his name be stricken from the roll of the attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after that date this order is effective.* Costs are awarded to the State Bar. *See Business and Professions Code section 6126, subdivision (c).

S125174

MORA ON DISCIPLINE
Recommended discipline imposed

It is ordered that **MARILYN ARLENE MORA, State Bar No. 123190**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 18, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S125176**RONQUILLO ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **DAVID G. RONQUILLO, State Bar No. 67318**, be suspended from the practice of law for 18 months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed April 6, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code, § 6086.10.)

S126951**BEASLEY ON RESIGNATION**
Resignation accepted with disc. proceeding pending

The voluntary resignation of **ROBERT D. BEASLEY, State Bar No. 182037**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126955

KEMPER ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Morris B. Kemper, State Bar No. 152415**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 8 and 9, 2004**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 8 and 9, 2004.

WEDNESDAY, SEPTEMBER 8, 2004 – 9:00 A.M.

S112862	Graham v. Daimler-Chrysler
S112943	Tipton-Whittingham v. City of Los Angeles
S113799	Elsner v. Uveges

1:30 P.M.

S110377	People v. Williams
S030956	People v. William James Ramos (Automatic Appeal)
S028747	People v. Rodney Jesse San Nicolas (Automatic Appeal)

THURSDAY, SEPTEMBER 9, 2004 – 9:00 A.M.

S120903	Morohoshi v. Pacific Home
S121568	McClung v. Employment Development Department
S106273	People v. Seel

1:30 P.M.

S108220	Stockett v. Association of California Water Agencies
S117641	People v. Briceno
S009038	People v. Richard Dean Turner (Automatic Appeal)

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

